

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18239 of 2020

Arising Out of PS. Case No.-405 Year-2019 Thana- BARACHATTI District- Gaya

SUDHIR KUMAR @ SUDHIR YADAV, Male, age 18 years, S/o Umesh Yadav, Resident of Village and P.O-Itwan, P.S.-Mohanpur, District-Gaya.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Md. Jubair Ansari, Advocate.
For the Opposite Party : Mr. Akbar Ali, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 10-12-2020 Due to COVID-19 Pandemic, the matter is being taken up by way of Virtual Court Proceeding.

The matter has been listed under the heading 'For Orders' under the orders of Hon'ble the Chief Justice.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner is apprehending his arrest in a case for the offence registered under Sections 341,323, 354, 379, 307 and 504/34 of the I.P.C.

The prosecution story, in brief, is that on 09.08.2019 at about 7.30 P.M. in the evening, when the informant was returning after milking his cow, co-accused Sonu Yadav, Suresh Yadav and Darshan Yadav assaulted him with *Lathi-Danda*. When he started fleeing away to save his life, Sudhir Yadav



(petitioner), Ramadhir Yadav, Sitaram Yadav, Naresh Yadav, Umesh Yadav and Sanjay Yadav surrounding him and assaulted him with *Lathi-Danda* causing injuries. Sudhir Yadav (petitioner) also assaulted with *Iron Khanti* on the head of the informant causing head injury. When his wife and daughter-in-law (Patohu) came to save him, they were also assaulted by Lila Devi and Sita Devi causing injuries. Co-accused Naresh Yadav took gold chain from the neck of the informant and co-accused Sanjay Yadav took gold ear-ring from the ear of the informant's daughter-in-law. Local people admitted the informant to Mohanpur Government Hospital, where he was referred to P.M.C.H., Patna, for better treatment.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. There is case and counter-case between the parties. The alleged occurrence is said to have taken place for a petty reason. Free fight is also alleged to have taken place between the parties. Injury on the accused side has not been explained by the prosecution. The prosecution has not come with clean hands.



On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M. Sherghati, Gaya, in connection with Barachatti (Mohanpur) P.S. Case No. 405/2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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